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REMARKS

Claims 1, 8, 9, 13-17, and 19 are amended. Claim 3 is canceled without prejudice or disclaimer. Claims 1-2 and 4-20 are pending. No new matter is added by these amendments. Applicant respectfully requests reconsideration and allowance of all claims in view of the amendments above and the remarks that follow.

Objections to the Specification

The disclosure is objected to because "on page 9: line 19, 'a paste option 215' is numbered wrong." The specification is amended as required by the Office Action.

Claim Objections

Claim 17 is objected to because "commas after each sentence should be semicolons." Claim 17 is objected to because "'plurality or values' should be 'plurality of values'." Claim 17 is amended as required by the Office Action.

Double Patenting Rejection

Claim 19 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 18. Claim 19 is amended to distinguish from claim 18.

Claim Rejections under 35 U.S.C. 101

Claims 1-20 are rejected under 35 U.S.C. 101 because "if-else statement is not complete." The claims are amended to replace "determining whether" and "when" with "determining that," which complies with 35 U.S.C. 101.

Claims 13-16 are rejected under 35 U.S.C. 101 because "the claimed invention is directed to non-statutory subject matter." Claims 13-16 are amended to recite a storage medium, which is statutory subject matter.

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Claim Rejections under 35 U.S.C. 103

Claims 1-3, 8, 9, and 13 are rejected under 35 U.S.C. 103(a) as unpatentable over Donovan (U.S. Patent 6,072,951) in view of Narisawa (U.S. Patent 6,851,106). Claims 4-7, 10-12, and 14-20 are rejected under 35 U.S.C. 103(a) as unpatentable over Donovan in view of Narisawa and Hiew (PGPUB 2005/0229154).

Applicant respectfully submits that the claims are patentable over the references because the combination of the references does not teach or suggest all of the elements in the claims, because Donovan teaches away from applicant's claims, and because combining the references destroys the intended purpose of Donovan, as further argued below.

Claim 1 recites: "receiving an operation, a selection of a block of code, and a selection of a paste location; determining that the block of code has a size greater than a threshold; creating a method that comprises the block of code; and adding an invocation of the method at the paste location."

In contrast, Donovan at column 2, lines 19-25 recites:

"To address the problem of high procedure call overhead, modern compilers optimize programs so as to avoid procedure calls. One optimization approach is to "inline" procedures, that is, to copy the entire body of the child procedure, into the body of the parent procedure, at each location in the parent procedure where the child procedure is referenced."

Donovan at column 3, lines 39-44 further recites:

"inlining the frequently traversed path(s) of the child procedure into the parent procedure in place of the procedure call from the parent procedure to the child procedure."

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Thus, Donovan describes procedure calls as a problem and describes replacing procedure calls with an inline body or path of a child procedure to solve this problem.

In contrast to Donovan, claim 1 recites: “adding an invocation of the method at the paste location,” so while Donovan removes procedure calls, claim 1 adds an invocation of a method, so claim 1 and Donovan act in opposition to each other. Thus, Donovan teaches away from claim 1. Further, modifying Donovan to add invocations at paste locations destroys the intended purpose of Donovan, which is to solve the problem of procedure calls by removing them. Modifying Donovan to add an invocation, as recited in claim 1, destroys the intended purpose of Donovan because adding an invocation increases the number of invocations, which makes the problem of Donovan worse.

Neither Hiew nor Narisawa teach or suggest “adding an invocation of the method at the paste location,” as recited in claim 1, so the hypothetical combination of the references does not teach or suggest claim 1.

Claim 2 recites: “replacing the block of code at a copy location with an invocation of the method.” Thus, the replacing element of claim 2 adds an invocation at a location (the copy location) where no invocation previously existed (because the block of code existed at the copy location). Thus, Donovan acts in opposition to claim 2, and Donovan teaches away from claim 2. Further, modifying Donovan to replace a block of code with an invocation, as recited in claim 2, makes the problem of Donovan worse because replacing a block of code with an invocation increases the number of invocations. Thus, modifying Donovan to replace a block of code with an invocation, as recited in claim 2, destroys the intended purpose of Donovan, which is to solve the problem of procedure calls by removing them.

Neither Hiew nor Narisawa teach or suggest “replacing a block of code at a copy location with an invocation of the method,” as recited in claim 2, so the hypothetical combination of the references does not teach or suggest claim 2.

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Claims 8, 13, and 17 include similar elements as argued above for claim 2 and are patentable over the references for similar reasons. Claims 4-7, 9-12, 14-16, and 18-20 are dependent on claims 1, 8, 13, and 17, respectively, and are patentable for the reasons argued above, plus the elements in the claims.

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is requested. The Examiner is invited to telephone applicant's attorney (651-645-7135) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0465.

Respectfully submitted,

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By their Representative,

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Date: November 29, 2006

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CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner for Patents 571-273-8300, on November 29, 2006.

Owen J. Gamon
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Signature